

# Exhibit 1

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

In Re:

DHC REALTY, LLC,

Debtor,

DHC REALTY, LLC, CHOWAIKI  
HOLDINGS, LLC, EL PASO DHC  
ENTERPRISES, LLC, EL PASO DHC  
ENTERPRISES FAR EAST, LLC,  
EL PASO DHC ENTERPRISES  
WEST, LLC, and DAVID CHOWAIKI

Plaintiffs,

v.

ARMANDO ARMENDARIZ,  
YVETTE ARMENDARIZ, and  
HECTOR ARMENDARIZ,

Defendants.

ARMANDO ARMENDARIZ and  
YVETTE ARMENDARIZ

Counterclaimants

v.

DHC REALTY, LLC, CHOWAIKI  
HOLDINGS, LLC, EL PASO DHC  
ENTERPRISES, LLC, EL PASO DHC  
ENTERPRISES FAR EAST, LLC,  
EL PASO DHC ENTERPRISES  
WEST, LLC, DAVID CHOWAIKI, and  
HILEL CHOWAIKI

Counterdefendants

Case No.: 11-30977-hcm

Adversary No.: 12-03012-hcm

**RESPONSE TO PLAINTIFFS' MOTION TO COMPEL AND FOR SANCTIONS  
AGAINST YVETTE ARMENDARIZ**

TO THE HONORABLE COURT:

Defendants Yvette Armendariz, Yvette Armendariz, and Hector Armendariz (collectively "Defendants"), by their undersigned counsel, file the following Response to Plaintiffs' Motion to Compel and for Sanctions against Yvette Armendariz ("Motion" or "Motion to Compel"), and in support of thereof show:

**INTRODUCTION**

1. Plaintiffs have filed a Motion to Compel against Defendant Yvette Armendariz ("Mrs. Armendariz") claiming among other things, insufficient responses and invalid objections. Defendants will attempt to address each of the issues raised by Plaintiffs. A careful reading of the discovery responses shows Mrs. Armendariz has agreed to produce the documents Plaintiffs have requested.
2. Defendants corresponded with Plaintiffs regarding the exchange of discovery. Each of these letters are attached hereto as Exhibits 1, 2, and 3. The first letter of November 14, 2012 was in response to a telephone call from counsel for Plaintiffs requesting clarification on some of Defendants' discovery requests. Defendants responded in good faith by providing the requested information, along with some sample documentation for illustration purposes. Additionally, in the same letter of November 14<sup>th</sup>, Defendants suggested a mutual confidentiality agreement to protect the interests of both Plaintiffs and Defendants. No response was given as to the proposed confidentiality agreement, and a second letter on November 26, 2012 was sent to Plaintiffs not only to request a response as to the confidentiality agreement, but to provide Plaintiffs with the signed verification pages and attachment which were

inadvertently not included with Defendants' initial responses to discovery. A third letter was sent on January 17, 2013. This letter attempted to illicit clarification and supplemental responses to Plaintiffs responses to Defendants' discovery requests, as well as to ask, yet again, about a confidentiality agreement. Again, no response was ever made to Defendants' inquiry as to a confidentiality agreement.

3. The only thing preventing Plaintiffs from receiving Defendants' document production is an agreed confidentiality agreement. Mrs. Armendariz only wishes to protect her personal and family information that Plaintiffs have requested. Mrs. Armendariz has agreed to produce for inspection and copying all other documentation Plaintiffs have requested relating to the operations of their restaurants in her possession. Mrs. Armendariz has only sought to limit Plaintiffs requests to the scope of the lawsuit, which relates to Mrs. Armendariz's alleged conduct while employed by Plaintiffs.

4. Defendants have sought to resolve the discovery issues in good faith. Defendants believe Plaintiffs' Motion to Compel is without merit.

### **RESPONSE**

#### **Responses to Interrogatories 3-9**

5. Plaintiffs object to Mrs. Armendariz's responses to Plaintiffs' Interrogatories 3 through 9. Plaintiffs incorrectly state that "Yvette has the burden of establishing each affirmative defense he has plead and must put forward evidence to prove each affirmative defense he has asserted" (see Motion, ¶ 10), in response to these interrogatories. Affirmative defenses are neither required to be established nor proven in a discovery context. Plaintiffs have summarized the information requested in their

Interrogatories 3 through 9 (see Motion ¶ 9), however, this summary is inadequate.

Interrogatories 3 through 9 request the same information regarding each of Defendants' affirmative defenses. Interrogatory 3 states as follows:

If you contend that Plaintiffs' claims are barred in whole or in part by fraud, please set forth all of the facts and evidence that you intend to use to support that defense, identify all documents (by title, date, author, custodian and a summarization of contents) that you intend to use to support that defense, and identify all persons who have knowledge of facts supporting that defense.

A complete reading of this interrogatory shows the legitimacy of Defendants' objections. Defendants have provided a brief summary of what they intend to demonstrate to Plaintiffs to support their affirmative defenses. However, requesting that Defendants identify all documents that they intend to use to support their defenses not only impinges upon attorney work product privilege, but further, requesting that they also provide the title, date, author, custodian, and a summarization of the contents of each document which they intend to use to support their affirmative defenses is overly burdensome. Further, the Interrogatory uses the overly broad term "all" when referring to facts, evidence, and documents that it requests defendants set forth. Plaintiffs have contested that the responses to their Interrogatories 3 through 9 do not sufficiently address each affirmative defense. In summary, Defendants will agree to more specifically summarize what they intend to show to support their affirmative defenses.

#### **Defendants' General Objection**

6. Plaintiffs have objected to the general objection Defendants have made to each of Plaintiffs' Requests for Production (see Motion, ¶ 17). Defendants have objected that Plaintiffs have requested documents after Mrs. Armendariz was terminated as an

employee of Fuddruckers on the basis that such documents after her termination are irrelevant and outside the scope of permissible discovery.

7. Plaintiffs' frivolous allegations against Mrs. Armendariz are based on the alleged conduct of Mrs. Armendariz while she was employed by Plaintiffs. Defendants have agreed to produce her private financial information as requested by Plaintiffs during the time period of her employment. Requests for documentation, specifically, Defendants Mr. and Mrs. Armendariz's personal financial information, after Mrs. Armendariz ceased being an employee of Plaintiffs is irrelevant given all the allegations of conduct while Mrs. Armendariz was an employee.

8. Plaintiffs have not provided an argument as to why Defendants should disclose such personal, private financial information after termination.

9. Mrs. Armendariz has responded to Plaintiffs' requests for production relating to the Fuddruckers restaurants by agreeing to produce any documentation in her possession, whether in electronic form or hard copies to Plaintiffs.

10. Plaintiffs' allegations pertain to alleged conduct while Mrs. Armendariz was employed by Plaintiffs. Plaintiffs attempt to argue that the damages stemming from this alleged conduct continued after Mrs. Armendariz was terminated and therefore, they are entitled to the documentation they have requested including documentation after Mrs. Armendariz was no longer their employee. This argument is without merit. Documents relating to communications with individuals or Mr. Armendariz's attempts to make a living for himself after he was wrongfully terminated are extremely prejudicial to Mrs. Armendariz and have no probative value in ascertaining the alleged post-petition transfers mentioned by Plaintiffs. Some of this documentation would also violate

attorney-client privileges as stated in Defendants responses. Restricting the time period of Plaintiffs' requests for production to the period of Mrs. Armendariz's employment would protect Mrs. Armendariz from such undue prejudice. Any documentation after Mrs. Armendariz's termination is furthermore irrelevant given Plaintiffs allegations in their Complaint.

**Paragraphs 21-23 of Plaintiffs' Motion**

11. In paragraphs 20 through 22 of their Motion, Plaintiffs state that they have requested various documents relating to Mrs. Armendariz's finances during and after his employment. So as to not burden the Court by going in detail through each of the 19 interrogatories that Plaintiffs mention in Paragraph 20, Defendants will briefly summarize the facts. Defendants have made certain objections to each of these requests for production. Nevertheless, without waiving these objections, Defendants have responded by either: a.) agreeing to produce Mrs. Armendariz's personal financial records, or other personal records subject to a signed confidentiality agreement, b.) stating that Mrs. Armendariz simply has no documents that were requested (i.e. stock certificates), or c.) that there are no documents for the time period that Mrs. Armendariz was employed by Plaintiffs. Plaintiffs have shown no interest in agreeing to such a reasonable confidentiality agreement. Plaintiffs could have had an opportunity to examine Mrs. Armendariz's personal financial information for months now if they had simply agreed to a confidentiality agreement.

12. Paragraph 22 of Plaintiffs' Motion addresses the issue of Plaintiffs' Request for Production No. 6 which asked for certain documents relating to real property. Mrs. Armendariz's responded that she did not have these documents in her possession.

Defendants are unsure as to why there is a dispute over the objections made when a such a response was given. Nevertheless, as set forth below, Plaintiffs have brought to Defendants' attention that documents related to Mrs. Armendariz's real property may exist. Mrs. Armendariz will amend her response to this request for production, as there may be such documentation that Mrs. Armendariz may be able to request from third parties, such as the lending institution for her real property loans, that Mr. Armendariz, in good faith, was not previously aware were within the confines of Plaintiffs' request.

**Requests for Production 17, 18, 22-25 and 27**

13. Plaintiffs take umbrage to Defendants objections to Plaintiffs' Requests for Production 17, 18, 22 through 25, and 27. For Requests for Production 17 and 23, Mrs. Armendariz has agreed to produce any documentation she has responsive to these requests, notwithstanding any objections she has made, and for No. 23, subject to a confidentiality agreement.

14. For Plaintiffs Requests for Production 18, 22, 24, 25, and 27 Plaintiffs Requested documents which Mrs. Armendariz simply does not have. Therefore, although objections were made, the response to each was "there is none".

**Requests for Production 20, 21, 26, and 28-32**

15. Request No. 20 asks for telephone records for Mrs. Armendariz's entire family. In spite of this invasive request, Mrs. Armendariz has stated that she will make these documents available for inspection. This is again another basis for a confidentiality agreement.

16. Mrs. Armendariz has responded to Request for Production Nos. 21, 26, 28, and 31 that she has no documents related to these requests.



17. In spite of the overly broad request for "all records of food purchases made by you since January 1, 2009", Mrs. Armendariz has agreed to produce the records of her food purchases in response to No. 29.

18. Request for Production No. 30 requests all documents related to the vending machines at the Fuddruckers restaurants and Mrs. Armendariz has agreed to make all of these records available for inspection and copying. Likewise, as to No. 32, Mrs. Armendariz has agreed to produce whatever documents she has responsive to the request.

#### **Confidentiality Agreement**

19. Many of Plaintiffs' Requests for Production have requested Mrs. Armendariz's personal information, including banking records, insurance policies, telephone records, etc. Mrs. Armendariz has agreed to produce all of this information, for the time period she was employed by Plaintiffs, subject to a confidentiality agreement. Plaintiffs' contend that requesting a confidentiality agreement to protect Mrs. Armendariz's personal information is an "arbitrary condition" and "an invalid attempt to evade discovery" (Motion, ¶ 33). Mrs. Armendariz is entitled to the protection of her personal information:

#### **Request for Production No. 6**

20. Mrs. Armendariz has stated that there are no documents in her possession responsive to Plaintiffs' Request for Production No. 6, requesting documentation related to real property. Plaintiffs accuse Mrs. Armendariz of providing false information in response to this discovery request. Mrs. Armendariz has responded to this request in good faith. Nevertheless, as set forth above, Plaintiffs have pointed out that

documentation related to this request may in fact exist, even should it not be in Mrs. Armendariz's actual possession. As stated, Mrs. Armendariz will amend her response to include such documentation.

### **CONCLUSION**

21. Mrs. Armendariz will agree to more specifically set forth the factual basis for her affirmative defenses as requested in the Interrogatories mentioned in Plaintiffs' Motion. As for Plaintiffs' Requests for Production, there is not a single request for which Mrs. Armendariz has stated she is not willing to produce documentation which she has in her possession. The only exception is Mrs. Armendariz's contention that Plaintiffs are not entitled to documentation outside the scope of this lawsuit, that is, documentation pertaining to the time period when Mrs. Armendariz was no longer employed by Plaintiffs.

WHEREFORE, Defendants respectfully request that Plaintiffs' Motion be denied, and that Defendants be granted any further relief to which they may be justly entitled.

Respectfully submitted,

**FIRTH ♦ JOHNSTON ♦ MARTINEZ**

Attorneys for Defendants  
415 North Mesa, Suite 300  
El Paso, Texas 79901  
Phone: (915) 532-7500  
Fax: (915) 532-7503

/s/ Christopher R. Johnston  
CHRISTOPHER R. JOHNSTON  
State Bar No. 10834200

**DIAMOND LAW**

Attorneys for Defendants  
3800 North Mesa Street  
El Paso, Texas 79902  
Phone: (915) 532-3327  
Fax: (915) 532-3355

/s/ Sidney J. Diamond  
SIDNEY J. DIAMOND  
State Bar No. 5803000

**CERTIFICATE OF SERVICE**

I, Christopher R. Johnston, do hereby certify that on February 5, 2013, a true and correct copy of the foregoing Response to Plaintiffs' Motion to Compel and for Sanctions Against Yvette Armendariz, was served via electronic means as listed on the Court's ECF noticing system or by depositing the same in the United States Mail, properly addressed and postage prepaid, to the following parties:

**THE DEBTOR:**

DHC Realty, LLC  
301 Williams  
El Paso, TX 79901

**THE DEBTOR'S ATTORNEY:**

Corey W. Haugland  
P.O. Box 1770  
El Paso, TX 79949-1770

/s/ Christopher R. Johnston  
CHRISTOPHER R. JOHNSTON

**Exhibit 1**

## FIRTH♦JOHNSTON♦MARTINEZ

A PROFESSIONAL LEGAL CORPORATION

415 NORTH MESA, THIRD FLOOR  
EL PASO, TEXAS 79901  
(915) 532-7500  
FACSIMILE (915) 532-7503

**VICTOR M. FIRTH**

Member: Texas and Oklahoma Bars

**CHRISTOPHER R. JOHNSTON<sup>†</sup>**

Member: Texas and New Mexico Bars

**ANTONIO MARTINEZ, JR.**

Member: Texas Bar

**EDWARD DEV. BUNN, JR.**

Member: Texas and New Mexico Bars

**J. CRAWFORD KERR**

Member: Texas Bar  
Of Counsel

**CRAWFORD S. KERR, JR.**

Member: Texas Bar

<sup>†</sup> Board Certified – Texas Board of Legal Specialization  
Civil Trial Law and Personal Injury Trial Law

November 14, 2012

**VIA FACSIMILE: (915) 541-6440**

Mr. Corey W. Haugland  
James & Haugland, P.C.  
609 Montana  
El Paso, TX 79902

Re: *DHC Realty, Inc., Debtor; Case No. 11-30977-hcm; DHC Realty, LLC, Chowaiiki Holdings, LLC, et al v. Armando Armendariz, et al.; Adversary No 12-03012-hcm; In the United States Bankruptcy Court for the Western District of Texas, El Paso Division*

Dear Mr. Haugland:

I am writing in response to the telephone call I received last week from your associate, Mr. Wall, requesting clarification on various requests for production. Below is some clarification for the responses you inquired about as well as attached document samples:

Request for Production No. 15 c.: Requests copies of manager payroll checks with stubs; payroll reports, see attached "Management Payroll 12-31-2011" example.

Request for Production No. 16: See attached "Weekly Catering Recap" example.

Request for Production No. 21: All checks that were issued to Army & Air Force Exchange Service (AAFES) with a paid percentage for sales from Dona Ana, McGreggor Range, Fort Bliss, Holloman Base for the stated dates.

C. Haugland

November 14, 2012

Page 2

Request for Production No. 29: Managers in store monthly, completed inventories for stated date range. See attached inventory spreadsheet example (10 pages).

Request for Production No. 38: See attached payouts "FUDDS 1" example (1 page).

Request for Production No. 45: All questionnaires, reports, and/or documents requested from Luby's Fuddruckers Restaurants, LLC auditing department.

Request for Production No. 48: See attached "PO Catering Outstanding 2010" example.

In addition to the above, Defendants' discovery was served via Certified U.S. Mail on September 17, 2012. Pursuant to FRCP §§ 33(b)(2), 34(b)(2)(A), and 6(d), Plaintiffs' responses were due no later than October 22, 2012. No attempts were made requesting additional time to respond. I only received a telephone call from Mr. Wall last week regarding the above discovery requests. Please let me know why you have not responded to my clients' discovery requests, and when you intend to serve them.

We are also in the process of preparing Defendants' responses to Plaintiffs' discovery. Many of Plaintiffs' Requests for Production seek Defendants' personal information relating to bank account statements, income tax returns, telephone records, etc. Since these documents contain Defendants' personal information, we will produce only subject to a signed confidentiality agreement. Since I am assuming your client would likewise wish to keep some of their documentation confidential, I propose a mutual confidentiality agreement. If this is agreeable to you, could you please draft a mutual agreement and send it to me for review.

Very truly yours,

**FIRTH•JOHNSTON•MARTINEZ**

Christopher R. Johnston

CRJ:mz



## Management Payroll

12-31-2011

---

Far East

Abraham Alfaro  
Danny Armendariz  
Hector Armendariz  
Yvette Armendariz  
Marie Drake

---



## WEEKLY CATERING RECAP

WEEK ENDING: 08/24/2008

CONTRACTED	M	TU	WED	TH	FRI	SAT	SUN	TOTAL
McGregor	\$ N/A	664	950	N/A	N/A	N/A	N/A	\$1,614
DONA ANNA	\$ N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0.
WHITE SANDS	\$ N/A	532	N/A	N/A	N/A	N/A	N/A	\$532
ADC	\$ 198	294	174	264	216	N/A	N/A	\$1,146

TOTAL CONTRACTED \$3,292

PRIVATE								
JESUS po	TUE		F. EAST					\$280
BECKY	TUE		WEST					\$480
TERRI po	TUE		F. EAST					\$400
YOLONDA	TUE		F. EAST					\$195
PARKER	TUE		F. EAST					\$480
STATE FARM	TUE		WEST					\$333
MR. GREY	THUR		F. EAST					\$550
RAY	THUR		F. EAST					\$261.33
KATHIA po	THUR		F. EAST					\$1600
JEAN	THUR		F. EAST					\$125
LETTY po	FRI		F. EAST					\$572
LETTY	FRI		F. EAST					\$195
KATHY po	FRI		F. EAST					\$1100
BECKY	FRI		WEST					\$433
MAGGIE	SAT		F. EAST					\$435.11
ANNA	SAT		F. EAST					\$1970.15
ANNA	SAT		F. EAST					\$454.65
HELEN	SAT		EAST					\$81

TOTAL PRIVATE CATERING: \$ 9,945.24

TOTAL CATERING BY STORE:

EAST: \$81  
 WEST: \$913  
 F.EAST \$12,243.24

Total Catering \$13,237.24

## WEEKLY SALES &amp; LABOR

	TY/ SALES	LY SALES	% + OR -	GC	HR	\$	%
EAST	20,340	34,130	-40.40	2029	558	3836	18.86%
WEST	29,071	29,597	-1.77%	2728	772	5186	17.84%
F. EAST	28,404	N/A	N/A	1886	682	4226	16.29%
COMPANY	77,815	63,727	+22.10%	6643	2012	13,248	17.0%



week ending 11/16/08												
PRODUCT		Bng	PUR	PUR	TRAN	TOTAL	end inv	USED	COST	TOTAL		TOTAL PUR
ADC												
FNLI CAKE	Each						3	-3	\$0.40	-1.208331		\$0.00
									TOTAL	-1.208331	5.80%	\$0.00
MEAT												
1 lb.	Each							0	\$24.03	0		\$0.00
2/3 Superio Patties	lb.							0	\$1.59	0		\$0.00
Bacon Slices	Case							7	\$29.58	207.06		\$0.00
1/2 lb (8oz)	Case							0	\$29.55	0		\$0.00
1/2 lb (5.3)	Case							#####	\$19.70	#VALUE!		\$0.00
1/5 lb (3.2)	Case							0	\$31.52	0		\$0.00
Dog Big 15 per pack 2packs	Each							0	\$0.60	0		\$0.00
Dog Kid 48 per pack 2l	Each							0	\$0.38	0		\$0.00
Garden Burger 48/case	Each							0	\$0.77	0		\$0.00
Foods ribey 6oz	Each							0	\$2.77	0		\$0.00
eye 6 oz.	Each							0	\$6.06	0		\$0.00
Ribeye 12 oz.	Each							0	\$6.38	0		\$0.00
Sirloin 6 oz.	Each							0	\$1.37	0		\$0.00
Sirloin 12 oz.	Each							0	\$3.29	0		\$0.00
Buffalo Patty 40 PC.	Each							0	\$1.80	0		\$0.00
Beef Tripe	lb.							0	\$1.41	0		\$0.00
Breakfast ham spiral	lb.							0	\$2.99	0		\$0.00
Sausage Links	Case							0	\$27.25	0		\$0.00
Breakfast ham 160/ pack 4/pack	Slice							0	\$0.10	0		\$0.00
								TOTAL	#VALUE!	#VALUE!		\$0.00
CHEESE/DAIRY												
Apprican	Sleeve							0	\$11.62	0		\$0.00
Buttermilk	1/2 Gal							0	\$2.17	0		\$0.00
Cheddar (sliced)	Sleeve							0	\$4.06	0		\$0.00
Cheddar/Jack Bld	Bag							0	\$11.86	0		\$0.00
Cheese, Golden Velvet Y/w Spr	Blocks							0	\$10.06	0		\$0.00
Creamers all flavors	Case							0	\$14.05	0		\$0.00
Garlic Marg	Each							0	\$9.70	0		\$0.00
Margarine	Blocks							0	\$0.73	0		\$0.00
Margarine CUPS	CASE							0	\$15.35	0		\$0.00
Milk Gallons	Gallon							0	\$4.17	0		\$0.00
Monterey Jack	Sleeve							0	\$3.31	0		\$0.00
nessan, Shed	Sleeve							0	\$11.38	0		\$0.00
pper/Jack	Sleeve							0	\$6.28	0		\$0.00
Sour Cream	lbs							0	\$1.16	0		\$0.00
Swiss	Sleeve							0	\$4.43	0		\$0.00
Gold hard ckd eggs	Each							0	\$2.27	0		\$0.00
liquid eggs W/ Chtrc (2ea Case)	Each							0	\$26.72	0		\$0.00
liquid eggs	Each							0	\$27.43	0		\$0.00
Yogurt	Each							0	\$2.30	0		\$0.00
								TOTAL	0	0.00%		\$0.00
BREAD												
Sesame Seedex	Each							0	\$6.37	0		\$0.00
Yeast 20/cs	Each							0	\$3.50	0		\$0.00
Baking powder	TUB							0	\$9.91	0		\$0.00
Baking soda	BOX							0	\$1.66	0		\$0.00
Vanilla extract	gal							0	\$4.99	0		\$0.00
Oil Pan Coaling	Each							0	\$2.72	0		\$0.00
Crisa Roll	Each							0	\$0.20	0		\$0.00

10 11 12 13 14 15 16

PRODUCE									
Avocados	Case								\$0.00
Bananas	Lb	0	\$29.75	0					\$0.00
Cabbage Red	each	0	\$0.45	0					\$0.00
Cantalope	each	0	\$1.35	0					\$0.00
Carrots Shredded	bag	0	\$1.00	0					\$0.00
Celery Sticks (36 ct/bunch)	bag	0	\$1.25	0					\$0.00
Cilantro	Lb	0	\$0.60	0					\$0.00
Cole Slaw	Bunch	0	\$0.35	0					\$0.00
Cut Romaine	Lb	0	\$0.80	0					\$0.00
Dry red chile	LB	0	\$4.69	0					\$0.00
Jalapenos	lb	0	\$1.90	0					\$0.00
Kale	Case	0	\$0.60	0					\$0.00
Lemons	Lb	0	\$12.75	0					\$0.00
Lettuce - Iceburg 24 ct	Case	0	\$0.85	0					\$0.00
Lettuce - shredded	Bag	0	\$17.50	0					\$0.00
Limes	Lb	0	\$3.50	0					\$0.00
Long Green Chili (Anasheim)	Lb	0	\$0.65	0					\$0.00
Mushrooms Pbelo	Case	0	\$1.40	0					\$0.00
Mushrooms Sliced (#5 and #10)	Case	0	\$16.50	0					\$0.00
Potatoes (50 to 60 ct.)	Case	0	\$18.00	0					\$0.00
Red onions	LB	0	\$18.75	0					\$0.00
Red onions rings	LB	0	\$0.30	0					\$0.00
Salad Mix	Bag	0	\$1.45	0					\$0.00
Strawberry	each	0	\$3.44	0					\$0.00
Tomatoes 5/6	Case	0	\$2.25	0					\$0.00
Papaya	Lb	0	\$21.75	0					\$0.00
Mix veg	each	0	\$0.80	0					\$0.00
Jalapenos (6 - #10)	Can	0	\$0.00	0					\$0.00
Watermelon	lb	0	\$3.04	0					\$0.00
Eggs	Dozen	0	\$1.23	0					\$0.00
Jalapenos whole (6 - #10)	Can	0	\$2.97	0					\$0.00
Garlic	lb	0	\$0.90	0					\$0.00
Onion White	lb	0	\$0.40	0					\$0.00
Red baby potato	lbs	0	\$0.50	0					\$0.00
Yellow onion rings	LB	0	\$1.40	0					\$0.00
TOTAL									
0.00%									
\$0.00									
OTHER FOODS									
Noodle Chow mein	can	0	\$4.12	0					\$0.00
Mandarin Oranges	Can	0	\$4.55	0					\$0.00
Five Crackers	Case	0	\$9.94	0					\$0.00
Barbecue Sauce	Bottle	0	\$17.87	0					\$0.00
Vinegar White	bag	0	\$2.28	0					\$0.00
Gravy mix turkey	bag	0	\$0.42	0					\$0.00
Sugar free syrup	BTL	0	\$1.93	0					\$0.00
Syrup regular	Each	0	\$3.53	0					\$0.00
Syrup Diet	Each	0	\$16.69	0					\$0.00
Spaghetti	BOX	0	\$14.24	0					\$0.00
Spaghetti	bag	0	\$8.78	0					\$0.00
Spaghetti	bag	0	\$1.21	0					\$0.00
Spaghetti Sauce	CN	0	\$4.84	0					\$0.00
Tomato	cn	0	\$3.02	0					\$0.00
Teriyaki sauce	TUB	0	\$7.66	0					\$0.00
Pineapple tbs 36/	CN	0	\$0.49	0					\$0.00
Pineapple	BG	0	\$1.61	0					\$0.00
Batter mix	Each	0	\$5.26	0					\$0.00
Sauce Chili red	Each	0	\$5.17	0					\$0.00
TOTAL									
0.00%									
\$0.00									

Mon Tues Wed Thurs Fri Sat Sun Tot									
Avocados	1								2
Bananas		3							8
Cabbage Red									5
Cantalope									2
Carrots Shredded	5								5
Celery		1							2
Cilantro									2
Cole Slaw lb									5
Chopped Romaine	4								12
Dry red chile									0
Jalapenos lbs	25								55
Kale									0
Lemons	5								20
Lettuce - Iceburg 24 ct		1							5
Lettuce - shredded	1								1
Limes									0
Long Green Chili (Anasheim)	25								25
Mushrooms Pbelo		1							2
Mushrooms Sliced (#5 and #10)		2							3
Potatoes (50 to 60 ct.)									1
Red onions									0
Red onions rings	5								20
Salad Mix	4								4
Strawberry									0
Tomatoes 5/6	3								7
Papaya									6
Mix veg									6
Jalapenos (6 - #10)	6								6
Watermelon									0
Eggs									0
Jalapenos whole (6 - #10)									0
Garlic									0
Onion White									0
Red baby potato									0
Yellow onion rings	10								35

[illegible]

Oreo Crumbs 12/	Carton								0	\$2.57	0		\$0.00
Cheese cake variety	EA								0	\$7.55	0		\$0.00
Choco tort	EA								0	\$11.74	0		\$0.00
										TOTAL	0	0.00%	\$0.00
<b>POULTRY</b>													
Chix Fritters 4 Bag Per Case	Bag								0	\$11.06	0		\$0.00
Chicken Breast 80 per Case	Each								0	\$0.84	0		\$0.00
Ostrich Patties 30/	Each								0	\$2.63	0		\$0.00
Turkey Burgers 28 per Case	Each								0	\$3.21	0		\$0.00
Crispy Chicken 52/cs 4 w/ 13	Each								0	\$0.87	0		\$0.00
Chick wing brdd mmd	bg								0	\$24.07	0		\$0.00
Boneless wings 4bags cs	bg								0	\$11.61	0		\$0.00
										TOTAL	0	0.00%	\$0.00
<b>SEAFOOD</b>													
Salmon Filet 32 P.C.	EA								0	\$1.44	0		\$0.00
Fresh cod	Case								0	\$49.62	0		\$0.00
										TOTAL	0	0.00%	\$0.00
<b>CONDIMENTS</b>													
1/2 Sauce Rg & Bold	Each								0	\$2.95	0		\$0.00
BBQ Pouch	Pouch								0	\$12.79	0		\$0.00
Buffalo Sauce Franks	Jug								0	\$13.02	0		\$0.00
Mix Cheese Sauce(6)	Bag								0	\$5.30	0		\$0.00
Chipotle BBQ	Each								0	\$2.19	0		\$0.00
Heinz 57	Each								0	\$1.30	0		\$0.00
Honey Mustard	Pouch								0	\$11.86	0		\$0.00
Mustard Packets	Case								0	\$10.83	0		\$0.00
Yellow Mustard Pouch	Pouch								0	\$5.74	0		\$0.00
Spicy Mustard Pouch	Pouch								0	\$7.37	0		\$0.00
Hotterdash	Each								0	\$4.37	0		\$0.00
Ketchup pouch	Pouch								0	\$8.54	0		\$0.00
Ketchup Packets	Case								0	\$22.83	0		\$0.00
1/8P Worcestershire	Each								0	\$1.24	0		\$0.00
Picante Mild	Each								0	\$8.69	0		\$0.00
Pickles Heinz/6	Bag								0	\$2.98	0		\$0.00
Relish	Each								0	\$8.00	0		\$0.00
Tabasco Green and Red	Each								0	\$2.48	0		\$0.00
Tomatoes, Diced w/Green Chili	Can								0	\$1.73	0		\$0.00
Mayo Packets	Case								0	\$12.42	0		\$0.00
Mayo Pouch 1.5	Pouch								0	\$10.73	0		\$0.00
1/2 Mayo Gallon	Each								0	\$8.86	0		\$0.00
Julia	BTL								0	\$1.85	0		\$0.00
1/2 Bull sauce	BTL								0	\$2.61	0		\$0.00
Honey	Each								0	\$12.99	0		\$0.00
Honey 9 gram	cs								0	\$14.90	0		\$0.00
										TOTAL	0	0.00%	\$0.00
<b>DRESSING/OIL</b>													
Blue Cheese	Each								0	\$11.89	0		\$0.00
Caesar	Each								0	\$13.10	0		\$0.00
Carola Oil 75% (cs+4)	Each								0	\$14.70	0		\$0.00
Coleslaw Dr.	Each								0	\$10.33	0		\$0.00
French	Each								0	\$8.74	0		\$0.00
Fry Oil	Each								0	\$22.77	0		\$0.00
Golden Griddle	Each								0	\$18.18	0		\$0.00
Italian Golden	Each								0	\$5.95	0		\$0.00
Oriental Sesame	Each								0	\$15.99	0		\$0.00

Cattle burg	Each									0	\$9.42	0		\$0.00	
Ranch Fat Free	Each									0	\$9.32	0		\$0.00	
Ranch Packets	Each									0	\$1.65	0		\$0.00	
Raspberry vinegret	Each									0	\$7.06	0		\$0.00	
Soy Sauce	Each									0	\$7.86	0		\$0.00	
Vegetable shortening	each									0	\$31.98	0		\$0.00	
Thousand Island	Each									0	\$9.86	0		\$0.00	
										TOTAL	0		0.00%	\$0.00	
SPICES															
Dill weed	Bag									0	\$9.84	0		\$0.00	
Blackened Seasoning	Bag									0	\$11.86	0		\$0.00	
Bulk Black Pepper	Each									0	\$24.60	0		\$0.00	
Chamom	Each									0	\$26.72	0		\$0.00	
Cayenne	Each									0	\$5.16	0		\$0.00	
Chili Powder	Each									0	\$29.42	0		\$0.00	
Cres Grd Blk Pepper	Each									0	\$9.61	0		\$0.00	
Lemon Pepper	Each									0	\$9.90	0		\$0.00	
Mt Gran	Each									0	\$31.86	0		\$0.00	
Agano	each									0	\$17.21	0		\$0.00	
Pepper Red Crush	each									0	\$27.79	0		\$0.00	
Ground Mustard	Each									0	\$3.40	0		\$0.00	
Fajita Spice	Each									0	\$10.99	0		\$0.00	
Calun seasonig	Each									0	\$10.29	0		\$0.00	
Salt Indized	Pound									0	\$0.26	0		\$0.00	
Salt Kosher	Box									0	\$1.19	0		\$0.00	
Saute Seasoning	Bag									0	\$3.30	0		\$0.00	
Mild Spice	Case									0	\$30.29	0		\$0.00	
Taco Seasoning	Bag									0	\$1.87	0		\$0.00	
Whole Pepper	Each									0	\$15.10	0		\$0.00	
										TOTAL	0		0.00%	\$0.00	
BAR CONDIMENTS															
Canada Dry Tonic Water	Each									0	\$3.15	0		\$0.00	
Chamalo	Each									0	\$2.25	0		\$0.00	
Btle Pineapple Juice	Each									0	\$1.47	0		\$0.00	
Ocean Spray Cranberry	Each									0	\$0.43	0		\$0.00	
Ocen Spray Grapefruit	Each									0	\$0.44	0		\$0.00	
Olives	Each									0	\$17.07	0		\$0.00	
PB N/A Triple Sec	Each									0	\$5.29	0		\$0.00	
Tom & mrs t marg ltr	Each									0	\$3.25	0		\$0.00	
es Grenadine	Each									0	\$3.39	0		\$0.00	
, Bull	Each									0	\$1.18	0		\$0.00	
Bloodymary										0	\$2.92	0		\$0.00	
Pina Cola Mix	Each									0	\$3.25	0		\$0.00	
Roses lime Juice	Each									0	\$4.49	0		\$0.00	
Strawbeery	Each									0	\$1.18	0		\$0.00	
Orange	Each									0	\$1.18	0		\$0.00	
Peach	Each									0	\$1.18	0		\$0.00	
Sweet n Sour Mix	Each									0	\$3.25	0		\$0.00	
										TOTAL	0		0.00%	\$0.00	
DOMESTIC BEER															
Bud Lite	Each									0	\$0.74	0		\$0.00	
Budweiser	Each									0	\$0.74	0		\$0.00	
Budweiser Select	Each									0	\$0.71	0		\$0.00	
Bud Lite/ Bud 7oz	Each									0	\$0.49	0		\$0.00	
Bud Cans	Each									0	\$0.78	0		\$0.00	
TOTAL											FOOD	#VALUE!	#VALUE!	\$0.00	
											inv total			0	\$0.00

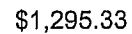
12-03012-1	Bud Lite Cans	Each	0	\$0.78	0		\$0.00
12-03012-1	Coors Longneck	Each	0	\$0.74	0		\$0.00
12-03012-1	Coors Light Longneck	Each	0	\$0.71	0		\$0.00
12-03012-1	Coors Light 7oz	Each	0	\$0.42	0		\$0.00
12-03012-1	Miller Genuine Draft	Each	0	\$0.74	0		\$0.00
12-03012-1	Miller Lite	Each	0	\$0.74	0		\$0.00
12-03012-1	Miller Litecan	Each	0	\$0.71	0		\$0.00
12-03012-1	Miller Lite 7 oz	Each	0	\$0.42	0		\$0.00
12-03012-1	MILLER CHILL	Each	0	\$0.93	0		\$0.00
12-03012-1	Bud Lite w/ lime	Each	0	\$0.88	0		\$0.00
12-03012-1	BUD Lite CHELADA	Each	0	\$1.72	0		\$0.00
12-03012-1	ODouls	Each	0	\$0.71	0		\$0.00
12-03012-1	TOTAL		0		0	0.00%	\$0.00
12-03012-1	WINE						
12-03012-1	Cabernet - Split	Each	0	\$1.12	0		\$0.00
12-03012-1	Cabernet - Bottle	Each	0	\$4.49	0		\$0.00
12-03012-1	Chardonnay - Split	Each	0	\$0.99	0		\$0.00
12-03012-1	Chardonnay - Bottle	Each	0	\$9.00	0		\$0.00
12-03012-1	Jet - Split	Each	0	\$0.99	0		\$0.00
12-03012-1	Merlot - Bottle	Each	0	\$9.00	0		\$0.00
12-03012-1	Zinfandel - Split	Each	0	\$0.99	0		\$0.00
12-03012-1	Zinfandel - Bottle	Each	0	\$7.49	0		\$0.00
12-03012-1	NEGRO BRUT	Each	0	\$2.49	0		\$0.00
12-03012-1	Pinot	Each	0	\$1.31	0		\$0.00
12-03012-1	TOTAL		0		0	0.00%	\$0.00
12-03012-1	KEGS						
12-03012-1	Sam Adams	Deposit	0	\$30.00	0		\$0.00
12-03012-1	Sam Adams	Full	0	\$48.00	0		\$0.00
12-03012-1	Bud Lite Empty	Deposit	0	\$30.00	0		\$0.00
12-03012-1	Bud Lite Keg	Full	0	\$39.50	0		\$0.00
12-03012-1	Budweiser Empty	Deposit	0	\$30.00	0		\$0.00
12-03012-1	Budweiser Keg	Full	0	\$39.50	0		\$0.00
12-03012-1	Coors Light Empty	Deposit	0	\$30.00	0		\$0.00
12-03012-1	Coors Light Keg	Full	0	\$71.00	0		\$0.00
12-03012-1	Michelob Ultra Empty	Deposit	0	\$30.00	0		\$0.00
12-03012-1	Michelob Ultra Keg	Full	0	\$39.50	0		\$0.00
12-03012-1	Miller Lite Empty	Deposit	0	\$30.00	0		\$0.00
12-03012-1	Miller Lite Keg	Full	0	\$36.50	0		\$0.00
12-03012-1	Hydramid Hefeweizen Empty	Deposit	0	\$30.00	0		\$0.00
12-03012-1	Hydramid Hefeweizen Keg	Full	0	\$48.00	0		\$0.00
12-03012-1	Shoktop	Deposit	0	\$30.00	0		\$0.00
12-03012-1	Shoktop	Full	0	\$29.45	0		\$0.00
12-03012-1	Shiner Bock Empty	Deposit	0	\$30.00	0		\$0.00
12-03012-1	Shiner Bock Keg	Full	0	\$56.00	0		\$0.00
12-03012-1	Woodchuck Cider Empty	Deposit	0	\$30.00	0		\$0.00
12-03012-1	Woodchuck Cider Keg	Full	0	\$58.00	0		\$0.00
12-03012-1	MITCHELOB AMBER BOCK	Deposit	0	\$30.00	0		\$0.00
12-03012-1	MITCHELOB AMBER BOCK	Full	0	\$25.45	0		\$0.00
12-03012-1	BUD SELECT	Deposit	0	\$30.00	0		\$0.00
12-03012-1	BUD SELECT	Full	0	\$48.00	0		\$0.00
12-03012-1	DOS XX	DEPOSIT	0	\$63.00	0		\$0.00
12-03012-1	DOS XX	FULL	0	\$30.00	0		\$0.00
12-03012-1	DOS XX	FULL	0	\$86.00	0		\$0.00
12-03012-1	TOTAL		0		0	0.00%	\$0.00
12-03012-1	Premium Beer	Each	0	\$0.41	0		\$0.00
12-03012-1	Michelob Ultra 7oz	Each	0	\$0.41	0		\$0.00





Exhibit 1	Myer's Rum	0.6	-0.6	\$5.26	-3.156	\$0.00
Exhibit 1	Bacardi	0.95	-0.95	\$14.12	-13.414	\$0.00
	Bacardi O	0.95	-0.95	\$9.15	-5.0325	\$0.00
	Bacardi Limon	0.4	-0.4	\$41.56	-16.624	\$0.00
	Bacardi 151 Degrees	0.6	-0.6	\$21.58	-12.948	\$0.00
Exhibit 1	Parrot Bay Pineapple	0	0	\$22.93	0	\$0.00
	Parrot Bay Coconut (com)	0.8	-0.8	\$19.99	-15.992	\$0.00
Exhibit 1	Bacardi light	0	0	\$14.49	0	\$0.00
	Captain Morgan Spiced Rum	0.95	-0.95	\$16.00	-14.25	\$0.00
Exhibit 1	SCOTCH/WHISKEY	0	0	\$12.58	0	\$0.00
	Highland Mist Scotch	0.1	0	\$14.90	0	\$0.00
	Evan William Whiskey	0.2	-0.2	\$30.30	-22.725	\$0.00
	Seagrams 7	0.75	-0.75	\$10.24	-7.68	\$0.00
Exhibit 1	Black Daniels	0.75	-0.75	\$14.50	-7.25	\$0.00
	Slim Beam (4 Year)	0.5	-0.5	\$21.60	0	\$0.00
Exhibit 1	Canadian Club	0	0	\$50.02	-40.016	\$0.00
	4 Turkey	0.8	-0.8	\$10.49	0	\$0.00
Exhibit 1	Johnny Walker Red (com)	0	0	\$19.39	0	\$0.00
	Johnny Walker Black (com)	0.5	-0.5	\$47.03	-23.515	\$0.00
Exhibit 1	Jameson 750	0.5	-0.5	\$33.82	-16.91	\$0.00
	Crown Royal	0.1	-0.1	\$26.10	-2.61	\$0.00
Exhibit 1	Buchanans	0.4	-0.4	\$26.10	-10.44	\$0.00
	Chivas Regal	0.75	-0.75	\$48.94	-36.705	\$0.00
Exhibit 1	Henrievet	0	0	\$31.82	0	\$0.00
	COGNAC/BRANDY	0.5	0	\$51.80	0	\$0.00
Exhibit 1	Residente (Brandy)	0.5	0	\$51.80	0	\$0.00
	Black Label (com)	0	0	\$6.77	0	\$0.00
Exhibit 1	Hydronic	0.8	-0.8	\$23.20	-18.56	\$0.00
	Cognacvoisier	0.8	-0.8	\$25.20	0	\$0.00
Exhibit 1	Cointreau	0.8	-0.8	\$51.32	-41.056	\$0.00
	Hennessy	0	0	\$32.90	0	\$0.00
Exhibit 1	MISCELLANEOUS	0	0	\$33.05	0	\$0.00
	Fire Water	0.9	-0.9	\$18.74	-1.874	\$0.00
Exhibit 1	Southern Comfort	0.1	-0.1	\$22.64	0	\$0.00
	Equila Rose	0	0	\$27.18	0	\$0.00
Exhibit 1	Drumple Minze	0	0	\$39.10	0	\$0.00
	Chidshager	0	0	\$22.98	0	\$0.00
Exhibit 1	Amelster	0	0	\$25.61	0	\$0.00
	Amaretto (Disaronno) (com)	0	0	\$22.40	0	\$0.00
Exhibit 1	Kahlua	0.1	-0.1	\$20.25	-2.025	\$0.00
	Baileys	0	0	\$22.55	0	\$0.00
Exhibit 1	Grand Marnier	0	0	\$40.67	0	\$0.00
	LIQUERS	0	0	\$37.69	0	\$0.00
Exhibit 1	Apple Korn (Beverize)	0.5	-0.5	\$13.00	-10.4	\$0.00
	Crème De Cacao (Brown)	0.8	-0.8	\$14.20	0	\$0.00
Exhibit 1	Crème De Banana	0.5	-0.5	\$11.05	-5.525	\$0.00
	DeKuyper Blue Curacao	0.2	-0.2	\$8.29	-1.858	\$0.00
Exhibit 1	DeKuyper Amaretto	0.2	-0.2	\$8.99	-1.798	\$0.00
	DeKuyper Peach Tree	0	0	\$9.21	0	\$0.00
Exhibit 1	DeKuyper Cherry Berry	0	0	\$9.21	0	\$0.00
	DeKuyper Sour Apple	0	0	\$9.21	0	\$0.00

[illegible]



PC Catering  
Outstanding 2010

12/21/2011

EAST				EAST			
1	2/24/2011	Helen /Glen cove (yisd)	\$ 110.00	1	5/7/2010	Hill Crt. School (YISD)	\$ 175.00
2	3/30/2011	Eastlake (sisd)	\$ 234.00	2	7/24/2010	Pecos High (PISD)	\$ 154.00
3	4/24/2011	Arelie	\$ 150.00	3	12/16/2010	Presidio	\$ 265.53
4	5/16/2011	Eastwood (yisd)	\$ 243.00	4	1/8/2010	Ector Country ISD	\$ 250.00
5	5/18/2011	Eastwood (yisd)	\$ 220.50	5	9/23/2011	Tracy	\$ 142.00
6	6/17/2011	Susan	\$ 97.43	6	10/11/2011	Humana	\$ 196.73
7	6/29/2011	Fort Bliss	\$ 500.00	7	10/20/2011	Tracy	\$ 142.00
8	7/6/2011	Jesus EPCC	\$ 195.50	8	11/1/2011	Tracy	\$ 142.00
9	8/3/2011	Jesus EPCC	\$ 207.00	9	12/10/2011	GC Services	\$ 155.88
10	8/10/2011	Eastlake (sisd)	\$ 468.00	10	12/11/2011	GC Services	\$ 216.50
11	8/15/2011	Sonya /Damian Elem	\$ 300.00	11	12/14/2011	Ranchland	\$ 69.86
12	8/16/2011	Irving High (Eisd)	\$ 1,200.00	12	12/15/2011	Riverside	\$ 129.74
13	8/17/2011	Eastlake (sisd)	\$ 477.00	13	12/17/2011	Gc Services	\$ 303.10
14	8/24/2011	Eastlake (sisd)	\$ 312.00				
15	9/16/2011	MWR/ Biggs Park	\$ 1,000.00			Total	\$ 2,342.34
16	10/27/2011	Hill Crest (yisd)	\$ 479.20				
17	10/29/2011	Eastwood (yisd)	\$ 430.00				
18	11/3/2011	Hill Crest (yisd)	\$ 496.30				
19	11/4/2011	Ysleta (yisd)	316-256				
20	11/9/2011	Epia	\$ 1,461.38	1	4/9/2011	Franklin	\$ 185.00
21	11/11/2011	Canutillo (sisd)	\$ 200.00	2	11/18/2011	Ysleta	\$ 51.00
22	11/15/2011	Canutillo midd (GISD)	\$ 645.75	3	12/7/2011	Cobre Highschool	\$ 98.00
23	11/16/2011	USO	\$ 3,000.00			Total	\$ 334.00
24	11/30/2011	Eastlake	\$ 148.50				
25	12/8/2011	Eastlake	\$ 225.00				
26	12/9/2011	Tina	\$ 416.30				
27	12/9/2011	Ray	\$ 148.84				
28	12/10/2011	USO	\$ 7,000.00				
29	12/13/2011	Canutillo	\$ 600.00				
30	12/13/2011	Che	\$ 25.00				
31	12/13/2011	Emie	\$ 324.75				
32	12/13/2011	Eastlake	\$ 207.00				
33	12/14/2011	EPISD	\$ 307.50				
34	12/14/2011	Mcgoffin	\$ 958.80				
35	12/16/2011	Gc Services	\$ 2,269.46				
36	12/16/2011	Housing Authority	\$ 3,495.00				
						Grand Total	\$ 10,959.91

Ysleta Independet School \$ 175.00 we don't know to which Po corespond  
 University Medical Center of El paso \$ 204.86 we don't know to which Po corespond  
 Returned ck Virginia Medina Check \$ 60.00

1	9/30/2011	Alorica	\$ 45.96
2	10/18/2011	Alorica	\$ 32.44
3	10/19/2011	Alorica	\$ 64.18
4	10/20/2011	Alorica	\$ 83.54
5	10/21/2011	Alorica	\$ 56.44
6	10/24/2011	Alorica	\$ 68.83
7	10/25/2011	Alorica	\$ 66.05
8	10/27/2011	Alorica	\$ 33.51
9	11/3/2011	Alorica	\$ 37.81

# FIRTH♦JOHNSTON♦MARTINEZ

A PROFESSIONAL LEGAL CORPORATION

415 NORTH MESA, THIRD FLOOR  
EL PASO, TEXAS 79901

TELEPHONE (915) 532-7500  
FACSIMILE (915) 532-7503

-17-- Pages (including this sheet)

November 14, 2012

TO: Mr. Corey W. Haugland  
James & Haugland, P.C.

FAX NO.: (915) 541-6440

FROM: Christopher R. Johnston, Esq./M. Woods

REPLY TO PHONE NO. (915) 532-7500 OR FAX NO. (915) 532-7503

Re: DHC Realty, Inc., Debtor; Case No. 11-30977-hcm; DHC Realty, LLC,  
Chowaiki Holdings, LLC, et al. v. Armando Armendariz, et al.; Adversary  
No. 12-03012-hcm; In the United States Bankruptcy Court for the Western  
District of Texas, El Paso Division

MESSAGE: See attached correspondence and attachments in the above referenced  
matter.

Thank you.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED  
AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR  
ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED  
RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR  
COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED  
THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US BY TELEPHONE AND RETURN THE  
ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.  
THANK YOU.

## TRANSACTION REPORT

NOV-14-2012 WED 01:54 PM

FOR: Firth\*Johnston\*Martinez 915 532 7503

SEND

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
NOV-14	01:49 PM	5416440	5'21"	17	FAX TX	OK	290	

TOTAL : 5M 21S PAGES: 17

**FIRTH\*JOHNSTON\*MARTINEZ**

A PROFESSIONAL LEGAL CORPORATION

415 NORTH MESA, THIRD FLOOR  
EL PASO, TEXAS 79901TELEPHONE (915) 532-7500  
FACSIMILE (915) 532-7503

-17-- Pages (including this sheet)

November 14, 2012

TO: Mr. Corey W. Haugland FAX NO.: (915) 541-6440  
James & Haugland, P.C.

FROM: Christopher R. Johnston, Esq./M. Woods

REPLY TO PHONE NO. (915) 532-7500 OR FAX NO. (915) 532-7503

Re: DHC Realty, Inc., Debtor; Case No. 11-30977-hcm; DHC Realty, LLC,  
Chowalki Holdings, LLC, et al. v. Armando Armendariz, et al.; Adversary  
No. 12-03012-hcm; In the United States Bankruptcy Court for the Western  
District of Texas, El Paso DivisionMESSAGE: See attached correspondence and attachments in the above referenced  
matter.

Thank you.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED  
AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR  
ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED  
RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR  
COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED  
THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US BY TELEPHONE AND RETURN THE  
ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.  
THANK YOU.

**Exhibit 2**

## FIRTH♦JOHNSTON♦MARTINEZ

A PROFESSIONAL LEGAL CORPORATION

415 NORTH MESA, THIRD FLOOR  
EL PASO, TEXAS 79901  
(915) 532-7500  
FACSIMILE (915) 532-7503

**VICTOR M. FIRTH**

Member: Texas and Oklahoma Bars

**CHRISTOPHER R. JOHNSTON<sup>†</sup>**

Member: Texas and New Mexico Bars

**ANTONIO MARTINEZ, JR.**

Member: Texas Bar

**EDWARD DEV. BUNN, JR.**

Member: Texas and New Mexico Bars

**J. CRAWFORD KERR**

Member: Texas Bar  
Of Counsel

**CRAWFORD S. KERR, JR.**

Member: Texas Bar

<sup>†</sup> Board Certified - Texas Board of Legal Specialization  
Civil Trial Law and Personal Injury Trial Law

November 26, 2012

**VIA FACSIMILE: (915) 541-6440**

Mr. Corey W. Haugland  
James & Haugland, P.C.  
609 Montana  
El Paso, TX 79902

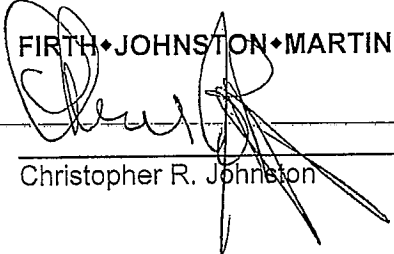
Re: *DHC Realty, Inc., Debtor; Case No. 11-30977-hcm; DHC Realty, LLC, Chowaiki Holdings, LLC, et al v. Armando Armendariz, et al.; Adversary No 12-03012-hcm; In the United States Bankruptcy Court for the Western District of Texas, El Paso Division*

Dear Mr. Haugland:

I am writing in response to your letter dated November 21, 2012, regarding Defendants' responses to Plaintiffs' requests for discovery in the above matter. Please find attached a copy of the list of potential non-expert witnesses in response to Interrogatory No. 2 for all Defendants as requested. I will be sending signed verifications for the responses to Interrogatories to you tomorrow. I have not received any response regarding a mutual confidentiality agreement which I proposed in my letter of November 14<sup>th</sup>. Given that much of the documentation is too voluminous to produce, as stated in the responses, various documents will be made available for inspection at a mutually agreed time. Other documentation, as it contains personal information, will be produced subject to the confidentiality agreement. Once the agreement is finalized and executed by all parties, we will produce the requested documents.

Very truly yours,

**FIRTH♦JOHNSTON♦MARTINEZ**

  
Christopher R. Johnston

CRJ:mz



**LIST OF POTENTIAL NON-EXPERT WITNESSES**

General Response: For each of the below witnesses, no compensation has been promised and any compensation provided will be in accordance with the Federal Rules of Civil Procedure.

David Chowaiki—Plaintiff

301 Williams St.

El Paso, TX 79901

(915) 637-1970

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Abraham Chowaiki—Father of Plaintiff David Chowaiki

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Nadia Nahmed—Mother of Plaintiff David Chowaiki

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Hilel Chowaiki—Part owner of various Plaintiff entities, brother of Plaintiff David Chowaiki

301 Williams St.

El Paso, TX 79901

(915) 637-1970

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Ernie Gluck—Consultant of Plaintiffs

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Leticia Luna—Prep/Catering team at one or more of Plaintiff entities

1210 Country Club Road

Apt. #6

Santa Teresa, N.M.

(915) 328-1572

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Gary J. Gutierrez—Vending/Game Technician for Plaintiff entities

Address unknown at this time

(915) 345-1800

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Jasmine Cervantes—Catering team at one or more of Plaintiff entities

11640 Maquitico Crt.

El Paso, TX 79936

(915) 234-6765

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Tim Giangrossi— Manager at one or more of Plaintiff entities

2317 Ashley River Road and/or 881 Paris Island Gateway

Apt. B

Beauford, SC 29906

Charleston, SC 29414

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Rita Rodriguez—Former employee at one or more of Plaintiff entities

129 Ventura Dr.

El Paso, TX 79907

(915) 443-8786

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Danny Armendariz—Former General Manager for one or more of Plaintiff entities

Janway Dr.

El Paso, TX

(915) 630-3196

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Graciela Castro—Former employee at one or more of Plaintiff entities

Address unknown at this time

El Paso, TX

(915) 249-5960

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Marie Drake—Former General Manager for one or more of Plaintiff entities

81 Camille Drive #27

El Paso, TX 79912

(915) 691-5000

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Lisa Lipscomb—Former cashier at one or more of Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Angel Cruz— Former supervisor/catering/inventory/special events inventory employee  
at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Sandy Nevarez—Worked at events catered by one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Javier Lopez, performed wood work for one or more Plaintiffs

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Carlos Calderon—Lawn Maintenance for one or more Plaintiffs

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Jesus Trinidad—Former employee of one or more Plaintiffs

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Yvonne Vallejo—Assistant Principal at Paso Del Norte School

12300 Tierra Este

El Paso, TX 79938

(915) 937-6200

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Jeanette Williams—Principal at Paso Del Norte School  
12300 Tierra Este  
El Paso, TX 79938  
(915) 937-6200

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Rachel Montellano—Teacher at Paso Del Norte School  
12300 Tierra Este  
El Paso, TX 79938  
(915) 937-6200

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Manuel Segovia—Owner Segovia's Produce, service provider to one or more Plaintiffs  
Address unknown at this time  
May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Jerry Quintero—Owner of Quinteros Meat, service provider to one or more Plaintiffs  
Address unknown at this time  
May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Alex Gippin—Former City Manager for one or more Plaintiff entities  
Address unknown at this time  
(580) 647-2921  
May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Jeff Cordero— Former General Manager for one or more Plaintiff entities  
Address unknown at this time  
May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Ray Montano—Former General Manager for one or more Plaintiff entities  
Address unknown at this time  
May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Abraham Alfaro—General Manager for one or more Plaintiff entities  
Address unknown at this time  
May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Lorraine Gomez—Current or former girlfriend of Abraham Chowaiki  
10144 Stedham Circle  
El Paso, TX 79927  
(915) 204-7219

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Richard Hanson---Former Catering Manager for one or more Plaintiff entities  
Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Ivan Alfaro —Manager for one or more Plaintiff entities  
Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Detective Nicole Ram—Detective at El Paso Police Department  
Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Jesse Esparza—Former CFO for one or more Plaintiff entities  
Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Vicky Carrasco —Accountant for one or more Plaintiff entities  
Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Rosa Mendez —Accountant for one or more Plaintiff entities  
Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Maribel Alonso—Office employee at one or more Plaintiff entities  
Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim.

Marisol Alonso --- Office employee at one or more Plaintiff entities  
Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Sharon Dillard —Former Accountant for Basic Sports Apparel and one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Helen Price— Former Accountant for Basic Sports Apparel and one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Don Kingery—Computer Technician

ELPTech

416 Paseo Real

Chaparral, N.M. 88081

(915) 208-5842

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Karon Scalora—Corporate Consultant for one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Greg Smith— Corporate Consultant for one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Luis Chacon—Warehouse employee for one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Guadalupe Medina —Maintenance for Basic Sports Apparel and one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Hector Saenz—Warehouse Employee/Maintenance for one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Dora Saenz—Former manager/vending coin counter for one or more Plaintiff entities  
Address unknown at this time  
May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Tracy Presley—Girlfriend of David Chowaiki  
Address unknown at this time  
May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Alex Medrano Jr. —Owner of AMR Equipment Sales  
Address unknown at this time  
May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Lorenzo Carrillo – Former employee at one or more Plaintiff entities  
Address unknown at this time  
May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Iveth Macias—Former catering verifier/cashier at one or more Plaintiff entities  
Address unknown at this time  
May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Elvira Rangel—Prep catering at one or more Plaintiff entities  
Address unknown at this time  
May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Oscar Galvan—Cook/catering at one or more Plaintiff entities  
Address unknown at this time  
May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Leslie Orosco—Supervisor at one or more Plaintiff entities  
Address unknown at this time  
May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Flavio Garcia—Employee at one or more Plaintiff entities  
Address unknown at this time  
May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Laura Summers—Employee at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Timothy Myers—Former manager at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Maribel Myers—Former employee at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Maria Sanchez—Former cashier at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Angel Gallegos—Cook at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Angelina Gallegos—Employee at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Fernando Salazar—Former breakfast cook at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Gerardo Portillo—Former Manager for one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Terrie Todd—Former Executive Director of Amigo Airsho

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim



Carol Roberts-Spence—Former Executive Director Amigo Airsho

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Robert Medrano—Associated with event(s) catered by one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Raul Barraza—Provides/provided services to one or more Plaintiffs

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Christy Alcala—Representative for Glazers; provides services to one or more Plaintiffs

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Nayeli Gonzalez—Cashier at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Jonny Villalobos—Delivery driver for US Foods

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Many Delgado—Former employee at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Adriana Balderrama—Former cashier at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Darlene Montoya—Former cashier at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Tanya Montano—Former cashier at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Syndil Cedillo—Cashier/catering at one or more Plaintiff entities

3712 Tierra Alamo

El Paso, TX 79938

(915) 867-4457

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Sara Dubow—Sales representative for KTSM

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Joe Lucero—Marketing Associate for Sysco

601 Comanche Rd NE

Albuquerque, NM. 87107

915-256-6366

800-669-3663 Ext. 1809

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Elizabeth Dupont—Marketing Associate for Sysco

Address unknown at this time

(915) 238-7916

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Trisha Roney—Army & Air Force Exchange Service, Services & Vending

Slater & Chaffee Rd. Fort Bliss, Tx 79918

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Tomas Alva—Army & Air Force Exchange Service, Services & Vending

Slater & Chaffee Rd. Fort Bliss, TX 79918

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Yolanda Facio—ADC Accounts Payable; accounts payable for one or more Plaintiffs

101 Lindbergh Drive

Santa Teresa, NM 88008

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Amanda Anguiano—Former cashier at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Todd Roberts—General Manager for ProTech Home Systems

7370 Remcon Circle

El Paso, TX 79912

915-241-7558

915-755-8884

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Kelly Simon

William Chancellor

Patrick Morrison

K. Simon Construction

12236 Maria Seanes

El Paso, TX 79936

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

**FIRTH♦JOHNSTON♦MARTINEZ**

A PROFESSIONAL LEGAL CORPORATION

415 NORTH MESA, THIRD FLOOR  
EL PASO, TEXAS 79901

TELEPHONE (915) 532-7500  
FACSIMILE (915) 532-7503

13 Pages (including this sheet)

**November 26, 2012**

**TO:** Mr. Corey W. Haugland . **FAX NO.:** (915) 541-6440  
James & Haugland, P.C.

**FROM:** Christopher R. Johnston, Esq./M. Woods

**REPLY TO PHONE NO. (915) 532-7500 OR FAX NO. (915) 532-7503**

*Re: DHC Realty, Inc., Debtor; Case No. 11-30977-hcm; DHC Realty, LLC,  
Chowaiki Holdings, LLC, et al v. Armando Armendariz, et al; Adversary  
No. 12-03012-hcm; In the United States Bankruptcy Court for the Western  
District of Texas, El Paso Division*

**MESSAGE:** See attached correspondence in the above referenced matter.

Thank you.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED  
AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR  
ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED  
RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR  
COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED  
THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US BY TELEPHONE AND RETURN THE  
ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.  
THANK YOU.

## TRANSACTION REPORT

NOV-26-2012 MON 04:03 PM

FOR: Firth\*Johnston\*Martinez 915 532 7503

SEND

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
NOV-26	03:58 PM	5416440	4' 05"	13	FAX TX	OK	300	

TOTAL : 4M 5S PAGES: 13

**FIRTH\*JOHNSTON\*MARTINEZ**

A PROFESSIONAL LEGAL CORPORATION

416 NORTH MESA, THIRD FLOOR  
EL PASO, TEXAS 79901TELEPHONE (915) 532-7500  
FACSIMILE (915) 532-750313 Pages (Including this sheet)

November 26, 2012

TO: Mr. Corey W. Haugland  
James & Haugland, P.C. FAX NO.: (915) 541-6440

FROM: Christopher R. Johnston, Esq./M. Woods

REPLY TO PHONE NO. (915) 532-7500 OR FAX NO. (915) 532-7503

Re: DHC Realty, Inc., Debtor; Case No. 11-30977-hcm; DHC Realty, LLC,  
Chowalki Holdings, LLC, et al v. Armando Armendariz, et al; Adversary  
No. 12-03012-hcm; In the United States Bankruptcy Court for the Western  
District of Texas, El Paso Division

MESSAGE: See attached correspondence in the above referenced matter.

Thank you.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

**Exhibit 3**

## FIRTH♦JOHNSTON♦MARTINEZ

A PROFESSIONAL LEGAL CORPORATION

415 NORTH MESA, THIRD FLOOR  
EL PASO, TEXAS 79901  
(915) 532-7500  
FACSIMILE (915) 532-7503

**VICTOR M. FIRTH**  
Member: Texas and Oklahoma Bars

**CHRISTOPHER R. JOHNSTON†**  
Member: Texas and New Mexico Bars

**ANTONIO MARTINEZ, JR.**  
Member: Texas Bar

**EDWARD DEV. BUNN, JR.**  
Member: Texas and New Mexico Bars

**J. CRAWFORD KERR**  
Member: Texas Bar  
Of Counsel

**CRAWFORD S. KERR, JR.**  
Member: Texas Bar

† Board Certified – Texas Board of Legal Specialization  
Civil Trial Law and Personal Injury Trial Law

January 17, 2013

**Via Facsimile (915) 541-6440 &**  
**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Mr. Corey W. Haugland  
James & Haugland, P.C.  
609 Montana  
El Paso, TX 79902

Re: *DHC Realty, Inc., Debtor; Case No. 11-30977-hcm; DHC Realty, LLC, Chowalki Holdings, LLC, et al v. Armando Armendariz, et al.; Adversary No 12-03012-hcm; In the United States Bankruptcy Court for the Western District of Texas, El Paso Division*

Dear Mr. Haugland:

This letter concerns Plaintiffs' Responses to Defendants' Requests for Production and Interrogatories served on November 19, 2012 in the above matter. In response to many of Defendants' Requests for Production, Plaintiffs' have stated that documents will be made available for inspection and copying. I would like to arrange for a time to inspect these documents. Please let me know which days over the next two weeks of when I will be able to conduct such an inspection.

Additionally, many responses to Defendants' Requests for Production state the following: "No items have been identified – after a diligent search – that are responsive to the request." Please confirm, in writing, for each such response, that no such documents exist. In some cases, where it has been stated that there are no documents, it was later reported by your expert Douglas A. Little, that he reviewed those documents in preparation of his report. This is disconcerting. For example, in

C. Haugland  
January 17, 2013  
Page 2

response to Requests for Production Nos. 25 and 26, it was stated that the previous POS systems were removed from the various restaurants at different times in 2010 resulting in the loss of any POS data prior to that time. Nevertheless, Mr. Little clearly states that he reviewed the POS data from 2008 all the way through 2012. Likewise, in response to Request for Production No. 27, which requested the Profit and Loss Statements for each of the Fuddruckers Restaurants, it was stated that there were no such documents. This response is particularly questionable given the fact that the 2011 Profit and Loss Statement was produced to the bankruptcy court in Plaintiff and Debtor DHC Realty, LLC's Second Amended Disclosure Statement. Further, Mr. Little also states that he reviewed such statements from 2008 through 2012 in preparation of his report. I again request that you supplement your responses and immediately produce the POS documentation and Profit and Loss Statements requested. Likewise, if any other such documents are available, I again request that those be produced as well. Otherwise, as stated, please confirm in writing that no such documents exist.

Further, I would also request that you supplement your responses and produce any and all documentation relied upon by your designated experts Mr. Little and Mr. Gluck, as requested in Defendants' Requests for Production, including the "[s]elected information provided by David & Hilel Chowaiki" referred to in Mr. Little's report.

Request for Production No. 15 requests in part "Payroll Checks with stubs for every El Paso Fuddruckers Employee..." and "Manager Payroll Reports and Paychecks with Stubs...". Plaintiffs have objected that these documents "are protected by third parties' right to privacy." As mentioned in my letter of November 14, 2012 and my subsequent letter of November 26<sup>th</sup>, I have proposed a mutual confidentiality agreement which would ensure the concerned individuals' privacy in these matters. To date I have not received any response from you regarding a confidentiality agreement.

Plaintiffs have objected to Request for Production No. 39, requesting tax returns for Spira, Basic Sports Apparel, and "any other entity owned by the Chowaikis" which would include entities owned by David Chowaiki. Objections were made that the documents were requested from non-parties. While it may be true that Spira, Basic Sports Apparel, and the other entities are not named Plaintiffs in this lawsuit, they are, nevertheless, entities owned, at least in part, by named Plaintiff, David Chowaiki, making the requested tax returns discoverable. The request for production was also not a request for records from a non-party as stated in the objections. The request for production sought records from Plaintiff David Chowaiki, who is a named party.

Requests for Production Nos. 44, 49, and 50 each request copies of emails, recordings, payments made, reports or notes regarding Leon Ernie Gluck. Mr. Gluck has been designated an expert by Plaintiffs. Many of his alleged findings attempt to substantiate the claims brought forward by Plaintiffs, and contain many allegations regarding the Defendants, including observations made, etc. Without question, any of the documentation requested in Nos. 44, 49, and 50 is relevant and discoverable, and must be produced.

Request for Production No. 48 requests "weekly catering purchase order outstanding records...". Plaintiffs have objected that this request is vague, ambiguous,



C. Haugland  
January 17, 2013  
Page 3

etc. The terminology used in this Request is the terminology used on a day-to-day basis in the operations of the Fuddruckers Restaurants, and is therefore terminology with which Plaintiff David Chowaiki would be readily familiar. Plaintiffs have further objected claiming privilege as to current outstanding records, stating that the documents are proprietary and constitute trade secrets. Plaintiffs have made certain allegations with respect to the catering side of the Fuddruckers operations, including loss of profits, making such documentation likewise relevant and therefore discoverable.

Plaintiffs have objected to Request for Production No. 51 subsections b, c, d, and e, stating that "contacts [sic] entered into subsequent to Armando Armendariz' termination...are privileged as proprietary, constituting trade secrets and otherwise protected as property rights". Similarly, Plaintiffs have responded to Request for Production No. 53 by objecting to the production of the 2012 Amigo Airsho contract citing privilege. It would clearly prejudice Defendants to only have access to contracts requested before Mr. Armendariz' termination, as it would prevent Defendants from preparing an adequate defense. Plaintiffs are not free to simply withhold such documents in this manner under a pretense of privilege.

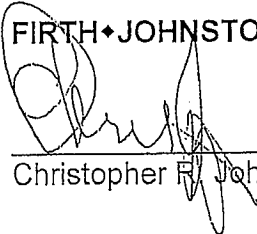
In reference to Plaintiffs' Responses to Defendants' Interrogatories, Plaintiffs object throughout that Defendants have not complied with the scheduling order and submitted more than 25 interrogatories is without merit. The exact wording of the objections is "[r]equiring Plaintiffs to answer this Interrogatory will result in more than twenty five responses...". The total number of interrogatories served on Plaintiffs is 15. The maximum allowed per the court order is 25. Please supplement your responses by withdrawing these objections and completely responding to each interrogatory which was either not responded to or partially responded to because of this objection.

Lastly, Interrogatory No. 11 requests that Plaintiffs "[d]escribe in detail the factual and legal basis for each allegation...". No attempt was made to respond to this interrogatory, but only objections, including the one stated in the previous paragraph and secondary objections that it is overly broad, etc. Please supplement your response by withdrawing your objections and/or providing a response to this interrogatory.

Please give me a call should you have any questions.

Very truly yours,

FIRTH♦JOHNSTON♦MARTINEZ



Christopher R. Johnston

CRJ:mz

cc: Client  
Mr. Sidney J. Diamond – Via email

**SENDER: COMPLETE THIS SECTION**

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, on the front if space permits.

Article Addressed to:

Corey W. Haugland  
James & Haugland, P.C.  
Montana  
El Paso, Texas 79902

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature ☒ Agent ☐ Addressee  
*Corey W. Haugland*  
B. Received by (Printed Name) *Corey W. Haugland* C. Date of Delivery *1-22*  
D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Article Number  
Transfer from sender

7011 2000 0000 8026 3349

Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**U.S. Postal Service<sup>®</sup>**  
**CERTIFIED MAIL<sup>®</sup> RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage \$  
Certified Fee  
Return Receipt Fee  
(Endorsement Required)  
Restricted Delivery Fee  
(Endorsement Required)

Postmark  
Here

Total Pct **Mr. Corey W. Haugland**

Sent To **James & Haugland, P.C.**  
Street, Apt. or PO Box **609 Montana**  
City, State **El Paso, Texas 79902**

PS Form 3800, August 2005

See Reverse for Instructions

7011 2000 0000 8026 3349 TT02

## **FIRTH♦JOHNSTON♦MARTINEZ**

A PROFESSIONAL LEGAL CORPORATION

415 NORTH MESA, THIRD FLOOR  
EL PASO, TEXAS 79901

TELEPHONE (915) 532-7500  
FACSIMILE (915) 532-7503

4 Pages (including this sheet)

January 17, 2013

**TO:** Mr. Corey W. Haugland  
James & Haugland, P.C.

**FAX NO.:** (915) 541-6440

**FROM:** Christopher R. Johnston, Esq./M. Woods

**REPLY TO PHONE NO. (915) 532-7500 OR FAX NO. (915) 532-7503**

Re: *DHC Realty, Inc., Debtor; Case No. 11-30977-hcm; DHC Realty, LLC, Chowaiki Holdings, LLC, et al v. Armando Armendariz, et al.; Adversary No 12-03012-hcm; In the United States Bankruptcy Court for the Western District of Texas, El Paso Division*

**MESSAGE:** See attached correspondence in the above matter.

Thank you.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

## TRANSACTION REPORT

JAN-17-2013 THU 03:43 PM

FOR: Firth\*Johnston\*Martinez 915 532 7503

SEND

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JAN-17	03:42 PM	5416440	1' 43"	4	FAX TX	OK	396	

TOTAL : 1M 43S PAGES: 4

**FIRTH\*JOHNSTON\*MARTINEZ**

A PROFESSIONAL LEGAL CORPORATION

415 NORTH MESA, THIRD FLOOR  
EL PASO, TEXAS 79901TELEPHONE (915) 532-7600  
FACSIMILE (915) 532-75034 Pages (including this sheet)

January 17, 2013

TO: Mr. Corey W. Haugland  
James & Haugland, P.C.

FAX NO.: (915) 541-6440

FROM: Christopher R. Johnston, Esq./M. Woods

REPLY TO PHONE NO. (915) 532-7500 OR FAX NO. (915) 532-7503

Re: DHC Realty, Inc., Debtor; Case No. 11-30977-hcm; DHC Realty, LLC,  
Chowalki Holdings, LLC, et al v. Armando Armendariz, et al.; Adversary No 12-  
03012-hcm; In the United States Bankruptcy Court for the Western District of  
Texas, El Paso Division

MESSAGE: See attached correspondence in the above matter.

Thank you.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED  
AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR  
ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED  
RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR  
COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED  
THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US BY TELEPHONE AND RETURN THE  
ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.  
THANK YOU.

**Martha A.. Woods**

---

**From:** txwb\_systems@txwb.uscourts.gov  
**Sent:** Tuesday, February 05, 2013 8:52 PM  
**To:** Courtmail@txwb.uscourts.gov  
**Subject:** 12-03012-hcm Ch- Response DHC Realty, LLC et al v. Armendariz et al

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30-page limit do not apply.

**U.S. Bankruptcy Court**

**Western District of Texas**

**Notice of Electronic Filing**

The following transaction was received from Christopher Robert Johnston entered on 2/5/2013 at 9:51 PM CST and filed on 2/5/2013

**Case Name:** DHC Realty, LLC et al v. Armendariz et al

**Case Number:** 12-03012-hcm

**Document Number:** 57

**Docket Text:**

Response Filed by Christopher Robert Johnston for Defendants Armando Armendariz, Hector Armendariz, Yvette Armendariz (Attachments: # (1) Exhibit Exhibit 1# (2) Exhibit Exhibit 2# (3) Exhibit Exhibit 3) (Johnston, Christopher) (related document(s): [48] Motion Plaintiffs' Motion to Compel and for Sanctions Against Yvette Armendariz Filed by Corey W. Haugland for Plaintiffs David Chowaiki, Chowaiki Holdings, LLC, DHC Realty, LLC, El Paso DHC Enterprises Far East, LLC, El Paso DHC Enterprises West, LLC, El Paso DHC Enterprises, LLC. (Attachments: # 1 Exhibit Exhibit P-1# 2 Exhibit Exhibit P-2# 3 Exhibit Exhibit P-3# 4 Exhibit Exhibit P-4# 5 Exhibit Exhibit P-5# 6 Exhibit Exhibit P-6))

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**Def Resp to Pltfs Motion to Compel Against Defendant Yvette Armendariz.pdf

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=988230274 [Date=2/5/2013] [FileNumber=18322878-0]  
[142417eaac40648c33006b7809f9cea8a5e817db79af045677f380b155c9b31e8d05  
09f4e0c7e4126c670379e5869e01ada14140dbd4c3a6f9947424d142819a]]

**Document description:**Exhibit Exhibit 1

**Original filename:**Exhibit 1.pdf

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=988230274 [Date=2/5/2013] [FileNumber=18322878-1]  
[203bbb427fa5216306410a0faa46035b0aff38e794c87932f322dded1687f2997d75  
906949128561f1818b4e274bab1c55f938ebf40966934c7e9387b82b60db]]

**Document description:**Exhibit Exhibit 2